

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

JOSEPH PERCOCO, a/k/a "Herb,"
ALAIN KALOYEROS, a/k/a "Dr. K.,"
PETER GALBRAITH KELLY, JR., a/k/a "Braith,"
STEVEN AIELLO,
JOSEPH GERARDI,
LOUIS CIMINELLI,
MICHAEL LAIPPLE, and
KEVIN SCHULER,

Defendants.

No. S1 16 Cr. 776 (VEC)

Oral Argument Requested

**DEFENDANT PETER GALBRAITH KELLY, JR.'S
NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Peter Galbraith Kelly, Jr.'s Motion to Dismiss, defendant Peter Galbraith Kelly, Jr. hereby moves this Court, before the Honorable Judge Valerie E. Caproni, United States District Judge for the Southern District of New York, at the United States Courthouse, 40 Foley Square, New York, New York, for an Order dismissing Counts Nine and Thirteen of the Superseding Indictment as to Mr. Kelly pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, and for such other relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the Court's May 15, 2017 Order, opposition papers shall be served upon the undersigned no later than June 30, 2017, and reply papers shall be served no later than July 21, 2017.

Dated: May 19, 2017
New York, NY

Respectfully submitted,

LANKLER SIFFERT & WOHL LLP

By:



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Peter Galbraith Kelly, Jr.*

TO: Clerk of the Court
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York